

117TH CONGRESS
2D SESSION

S. 2135

AN ACT

To amend title 31, United States Code, to require the Chief Operating Officer of each agency to compile a list of unnecessary programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Identifying and Eliminating Wasteful Programs Act”.

4 **SEC. 2. IDENTIFICATION AND ELIMINATION OF UNNECESSARY AGENCY PROGRAMS OR PROGRAM ACTIVITIES.**

7 (a) **TRANSPARENCY OF PROGRAMS, PRIORITY GOALS, AND RESULTS.**—Section 1122(a)(3)(D) of title 31, United States Code, is amended—

10 (1) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

12 (2) by inserting after clause (v) the following:

13 “(vi) to the extent practicable and
14 consistent with guidance issued by the Director of the Office of Management and
15 Budget, budget justification materials described in section 3(b)(2)(B) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101
16 note);”; and

21 (3) in clause (vii), as so redesignated, by striking
22 “accountability; and” and inserting “accountability, including information included in the list
23 compiled under section 1127(b)(1); and”.

25 (b) **IDENTIFICATION OF UNNECESSARY AGENCY PROGRAMS OR PROGRAM ACTIVITIES.**—Chapter 11 of title

1 31, United States Code, is amended by adding at the end
2 the following:

3 **“§ 1127. Identification of unnecessary agency pro-**
4 **grams or program activities**

5 “(a) DEFINITIONS.—In this section:

6 “(1) AGENCY.—The term ‘agency’ has the
7 meaning given the term in section 1108(a).

8 “(2) PROGRAM.—The term ‘program’ has the
9 meaning given the term in section 1122(a)(1).

10 “(3) PROGRAM ACTIVITY.—The term ‘program
11 activity’ has the meaning given the term in section
12 1115(h).

13 “(b) AGENCY IDENTIFICATION OF UNNECESSARY
14 PROGRAMS OR PROGRAM ACTIVITIES.—Not later than 20
15 days after the date on which the President transmits the
16 budget of the United States Government under section
17 1105(a) each year, and based on guidance provided by the
18 Director of the Office of Management and Budget, the
19 Chief Operating Officer of each agency shall—

20 “(1) compile a list that identifies any program
21 or program activity of the agency that—

22 “(A) is unnecessary, defunct, or unneces-
23 sarily duplicative of another program or pro-
24 gram activity of the agency;

1 “(B) another agency could administer
2 more effectively; or

3 “(C) could operate more effectively if the
4 program or activity were consolidated with
5 other programs or activities;

6 “(2) publish the list compiled under paragraph
7 (1) in—

8 “(A) with respect to each list compiled be-
9 fore the date of the implementation described in
10 section 9601(b)(3) of title XCVI of the William
11 M. (Mac) Thornberry National Defense Author-
12 ization Act for Fiscal Year 2021 (31 U.S.C.
13 1122 note) of the program inventory described
14 in section 1122(a)(2)(B)(i) of this title, the
15 pilot program described in section
16 9601(b)(2)(B) of title XCVI of that Act; and

17 “(B) with respect to each successive list,
18 the program inventory described in section
19 1122(a)(2)(B)(i); and

20 “(3) submit the list compiled under paragraph
21 (1) to—

22 “(A) the relevant congressional committees
23 of jurisdiction of the agency;

24 “(B) the Committee on Appropriations of
25 the Senate;

1 “(C) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(D) the Committee on Appropriations of
4 the House of Representatives; and

5 “(E) the Committee on Oversight and Re-
6 form of the House of Representatives.

7 “(c) RECOMMENDATIONS.—Based on guidance issued
8 by the Director of the Office of Management and Budget,
9 the head of an agency may submit to Congress rec-
10 ommendations for statutory changes to eliminate or con-
11 solidate programs or program activities identified under
12 subsection (b)(1).”.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 for chapter 11 of title 31, United States Code, is amended
15 by adding at the end the following:

 “1127. Identification of unnecessary agency programs or program activities”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date that is 120 days
18 after the date of enactment of this Act.

 Passed the Senate December 14, 2022.

 Attest:

Secretary.

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